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March 5, 2025

BY ECF

The Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *United States v. Charlie Javice and Olivier Amar,*
23 Cr. 251 (AKH)**

Dear Judge Hellerstein:

We write respectfully on behalf of Defendant Olivier Amar to renew our objection to the admission of Mr. Amar's offer letter from J.P. Morgan Chase Bank, N.A. (Government Exhibit 2028), which the Government attempted to admit through the testimony of Ms. Wims Morris last week. Mr. Amar objected to the admission of this letter on Rule 401 and 403 grounds on February 27, 2025 (ECF No. 297). That day, the Court instructed the Government to "[l]ay the foundation but don't show the exhibit to the jury and then, when it comes time, you will ask me, may I show this exhibit to the jury?" *See* Tr. at 652:12-654:13.

On March 5, 2025, during the testimony of Steve Stolls, the Government admitted Government Exhibit 2310, an email exchange between Mr. Stolls and Mr. Amar, where, on August 3, 2021, Mr. Amar states that he would "like to move forward with" the purchase of 4.5 million records from ASL, and that he would like to "get this done today." *See* Tr. at 1300:25-1303:21. As noted in our prior letter, we expect the Government to seek to introduce Mr. Amar's offer letter in order to argue that a compensation package referenced in the letter is evidence of Mr. Amar's motive to commit fraud. However, there is no evidence that Mr. Amar received the offer letter, or that he was aware of the compensation package contained in it, prior to August 4, 2021, which was only four days before the Frank Merger Agreement was signed on August 8, 2021. Moreover, the testimony yesterday confirmed that Mr. Amar was ready to purchase 4.5 million records from ASL on August 3, 2021, the day *before* Mr. Amar received his offer letter and became aware of the compensation package contained in it.

Hon. Alvin K. Hellerstein, U.S.D.J.

March 5, 2025

Page 2

Accordingly, and as referenced in our prior letter on this topic, any minimal probative value that Government Exhibit 2028 may have is substantially outweighed by the risk of unfair prejudice. *See Aristocrat Leisure Ltd. v. Deutsche Bank Tr. Co. Ams.*, Civ. No. 04-10014, 2009 WL 3111766, at *6-7 (S.D.N.Y. Sept. 28, 2009) (excluding “actual dollar figure” of compensation under Rule 403); *Kinsey v. Cendant Corp.*, 588 F. Supp. 2d 516, 518-19 (S.D.N.Y. 2008) (excluding evidence of party’s “compensation package” as unfairly prejudicial and play “to the fact finder’s potential economic sympathies or prejudices”); *United States v. Cassese*, 290 F. Supp. 2d 443, 457 (S.D.N.Y. 2003) (granting new trial where, among other things, introduction of “highly prejudicial and inflammatory evidence and arguments in front of the jury regarding Cassese’s wealth, salary, and stock holdings . . . played into a bias against people of wealth”).

For these reasons, we respectfully request that the Government be precluded from introducing Government Exhibit 2028.

Respectfully submitted,

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